

### **Remarks**

Claims 23 and 36-44 were pending in this application. Claims 23, 36-41, 43 and 44 are cancelled. Claim 42 has been amended. Claims 36-41 have been rewritten as claims 45-50 in order to depend from claim 42. Rejections against cancelled claims are considered moot and are not therefore not addressed in the present response.

Support for the amendments can be found throughout the specification and the claims as originally filed, for example at least at page 4, line 16 – page 5, line 17; page 16, line 31 – page 17, line 2; page 21, line 26 – page 22, line 3; and page 27, lines 18-27. No new matter is introduced by these amendments.

Entry of the amendments after final action is appropriate because the amendments are believed to place the claims in a condition for immediate allowance and no additional searching is needed.

After entry of this amendment **claims 42 and 45-50 are pending in this application.**

#### **Claim Rejections under 35 U.S.C. §112, second paragraph:**

Claims 23 and dependent claims 36-44 are rejected under 35 U.S.C. §112, second paragraph, as allegedly failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In efforts to further prosecution, Applicants have amended claim 42 to recite “inhibition of the FANCA polypeptide activity or expression.” Inhibition of FANCA polypeptide activity or expression includes at least one of inhibition of the FANCA polypeptide binding to a ligand, inhibition of the protein expression of the FANCA polypeptide or inhibition of a substrate that binds to the FANCA polypeptide.

Applicants believe that this amendment renders the pending 35 U.S.C. §112, second paragraph rejection moot and request that the rejection be withdrawn.

#### **Claim Objection:**

Claim 42 is objected to because of depending from a rejected claim. Claim 42 has been rewritten in independent form including all of the limitations of the base claim and any intervening

claim. As such, Applicants respectfully request the objection be withdrawn, and that claim 42 be allowed.

Newly added claims 45-50:

Newly added claims 45-50 depend from claim 42. As such, claims 45-50 are believed to be free of the cited art for the reasons stated above for claim 42.

**CONCLUSION**

It is respectfully submitted that the present claims are in a condition for allowance. If any issues remain, the Examiner is requested to contact the undersigned attorney prior to issuance of an Advisory Action in order to arrange a telephone interview. It is believed that a brief discussion of the merits of the present application may expedite prosecution and allowance of the claims.

Respectfully submitted,

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